

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-36 are pending in this application. Claims 1, 2, 5, 7, 8, 10, 11, 14, 16, 17, 19, 20, 23, 25, 26, 28, 29, 32, 34, and 35 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,363,407 to Middleton, III et al. (herein "Middleton") in view of U.S. patent 6,336,141 to Fujiyama et al. (herein "Fujiyama") and U.S. patent 6,141,507 to Sawada. Claims 3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Middleton, Fujiyama, and Sawada, and further in view of U.S. patent 5,887,216 to Motoyama.

Addressing the above-noted rejections, those rejections are traversed by the present response.

It is initially noted that each of the independent claims is amended by the present response to clarify features recited therein. Specifically, independent Claim 1 now clarifies that the interface of the target application is provided "in a device". Independent Claim 1 now also clarifies that both "the monitoring unit and communicating unit reside in the device". That is, in the claimed invention, both the monitoring and communicating operations are performed within a single device, and as a result in the claimed invention there is no requirement that a destination to which the log of the monitored data is to be sent has to be connected to prior to beginning the monitoring and logging operation. That feature is also now clarified in Claim 1. The other independent claims are similarly amended.

The above-noted operations in the claimed invention are believed to clearly distinguish over the applied art, and particularly the primary cited reference to Middleton.

More particularly, in Middleton communication with a web server needs to be established prior to a monitoring session, as noted at column 3, line 66, to column 4, line 1. Further, in Middleton, that establishment of communication is particularly effectuated by

downloading a JAVA applet program from a web server in a web page. That applet in Middleton is obviously the critical portion of the monitoring unit in Middleton, as indicated in the basis for the outstanding rejection and the Office Action at page 3, paragraph 7b.

In such ways, it is clear that in Middleton the operation of the monitoring unit is based on downloading data from a device to which monitored data is to be communicated.

The claimed invention has a different structure and operation. In the claimed invention, both the monitoring and communicating units reside in the device and operate without any initial connection to a destination that is to receive the log of the monitored data.

The above-noted difference stems from the fact that the device of the claimed invention has a different objective than that in Middleton. More particularly, one objective of the device of the claimed invention is to provide a monitoring of a user's interaction with an interface to determine how the user interacts with the interface. Middleton is designed to determine a user's interaction with a web program to change the contents of the web program in essentially real-time, for example so that the user can be shown an appropriate or desired advertisement. The claimed invention does not have such an objective.

Also, it is respectfully submitted that the device and teachings in Middleton could not be modified to meet the above-noted claim limitations as that would destroy the entire objective of the device of Middleton.

More particularly, Middleton requires the initial connection to the destination of the monitored data for the device of Middleton to operate. As noted above, Middleton is specifically designed to operate so that the monitored data can change the contents of a web page in real-time. Therefore, for the device of Middleton to properly operate, it must be the case that the connection is initially made prior to the monitoring or else the device in Middleton could not change the contents of the web page in real-time. Middleton also requires initial connection to download the monitoring program.

In such ways, regardless of the teachings in any of the secondary cited references, the device in Middleton could not be modified to operate in a manner as described in the pending claims.

However, in any event, it is also further noted that no teachings in Fujiyama, Sawada, or Motoyama teach the above-noted features of the monitoring and communication units residing in a device so that they can operate without receiving instructions from a destination to which a log in the monitored data is to be sent.

Clearly, such features as clarified in the claims distinguish over the applied art.

In such ways, each of the currently pending claims is believed to patentably distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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